

ESTTA Tracking number: **ESTTA179583**

Filing date: **12/10/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91179373
Party	Defendant Mark Gelfman
Correspondence Address	JAMEL OESER-SWEAT, ESQ. WOODS VERZANI LLP 292 MADISON AVE FL 22 NEW YORK, NY 10017-6311 UNITED STATES attorney@jamelsweat.com
Submission	Other Motions/Papers
Filer's Name	James F Woods
Filer's e-mail	jwoods@wvesq.com
Signature	/jfw/
Date	12/10/2007
Attachments	Application Requesting Permission to File a Late Answer to Notice of Opposition.pdf ( 3 pages )(73096 bytes ) Exhibit A, Letter from Denise DelGizzi 11-8-07.pdf ( 2 pages )(40297 bytes ) Exhibit B, Notice of Opposition by Dmitry Kuklachev.pdf ( 69 pages )(2755362 bytes ) Exhibit C, Answer to Notice of Opposition - Ser. No. 77075635.pdf ( 5 pages )(115460 bytes ) Exhibit D, Answer to Notice of Opposition by Dmitri Kuklachev.pdf ( 7 pages )(142970 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD

Dmitri Kuklachev,	)	Opposition No.: 91179373
Opposer,	)	
	)	Serial No.: 77075635
v.	)	
	)	Mark: Moscow Cats Theatre
Mark Gelfman,	)	
Applicant.	)	

**APPLICATION REQUESTING PERMISSION TO FILE A LATE ANSWER  
TO NOTICE OF OPPOSITION**

James F. Woods, Esq. of Woods Verzani LLP, the attorneys for Mark Gelfman (hereinafter "Applicant") under Application Serial number 77075635, alleges, and affirms under the penalties of perjury as follows:

1. I am the attorney for the Mark Gelfman, the applicant herein, and submit this affirmation requesting permission to file a late Answer to the Notice of Opposition filed by Dmitri Kuklachev, under Opposition No. 91179373, for good cause and in accordance with Fed. R. Civ. P. 55(b) *et seq.*

2. The good cause is based, in part, on the fact that my law office did not receive the Notice of Opposition under Opposition No. 91179373.

3. The first time we became aware of this Notice of Opposition was by the letter of Denise M. DelGizzi, Supervisory Paralegal Specialist, from the United States Patent and Trademark Office dated November 8, 2007; and received a few days thereafter. (Exhibit A).

4. The other basis for my application is that my office did receive a Notice of Opposition under Opposition No. 91179281 filed by Yuri Kuklachev on or about August 31, 2007. (Exhibit B)

5. The Notice of Opposition under Opposition No. 91179281 (“Yuri Kuklachev’s Opposition”) makes nearly identical claims to those contained in the Notice of Opposition under Opposition No. 91179373 (“Dmitri Kuklachev’s Opposition”)

6. Upon information and belief, Dmitri Kuklachev is the son of Yuri Kuklachev; and they apparently worked together in “Yuri Kuklachev’s Cats Theatre”.

7. The Applicant, through my law office, duly filed an Answer to Yuri Kuklachev’s Notice of Opposition on or about October 9, 2007. (Exhibit C)

8. To date, I have not received any notice or correspondence from Dmitri Kuklachev or his attorneys, and in particular we received no notice with regards to Opposition No. 91179373.

9. Jamel Oeser-Sweat, Esq., who assisted in the filing of the Applicant’s mark herein, for all times relevant to this matter, has not been associated or affiliated with the law firm of Woods Verzani LLP.

10. On or about December 4, 2007 I spoke with Alexey Bakman, Esq., the attorney for Dmitri Kuklachev in this matter and he confirmed that other than filing the Notice of Opposition with the United States Patent and Trademark Office; he did not send any notice to my offices.

11. Mr. Bakman and I discussed the terms of a stipulation to submit to the Court, but needed to speak with his client prior to agreeing to same.

**Application Requesting Permission To File A Late Answer**

**To Notice Of Opposition**

Against MOSCOW CATS THEATRE in IC 41

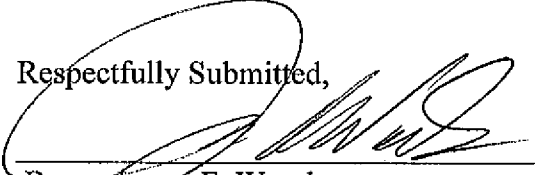
App. Serial No. 77075635

12. I have annexed an Answer to the Notice of Opposition under Opposition No. 91179373 (Exhibit D) and would respectfully request that this Answer be deemed timely.

**WHEREFORE**, the Applicant prays that it be permitted to file his Answer to the Notice of Opposition, under Opposition No. 91179373, and that same be deemed timely and that the Clerk be directed not to file a default judgment; and such other and further relief the Court deems just and proper.

Date: December 7, 2007

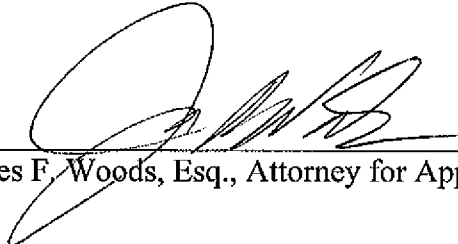
Respectfully Submitted,

  
By: James F. Woods  
Woods Verzani LLP  
292 Madison Avenue, 22<sup>nd</sup> Floor  
New York, New York 10017  
Tel.: 212-684-2500  
Fax: 212-684-2512

Attorneys for Applicant

I hereby certify that a true and complete copy of the foregoing **APPLICATION REQUESTING PERMISSION TO FILE A LATE ANSWER TO NOTICE OF OPPOSITION** has been served on the Law Offices of Alexey Bakman, Esq., by mailing said copy on December 10, 2007, via Federal Express, overnight carrier, postage prepaid to:

Law Offices of Alexey Bakman, Esq.,  
35 Seacoast Terrace #3J  
Brooklyn, New York 11235  
Attn: Alexey Bakman, Esq.

  
James F. Woods, Esq., Attorney for Applicant

**Application Requesting Permission To File A Late Answer**  
**To Notice Of Opposition**

Against MOSCOW CATS THEATRE in IC 41  
App. Serial No. 77075635

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Mailed: November 8, 2007

Opposition No. 91179373

DmitriKuklachev

v.

Mark Gelfman

**Denise M. DelGizzi, Supervisory Paralegal Specialist**

Answer was due in this case on October 16, 2007.

Inasmuch as it appears that no answer has been filed, nor has applicant filed a motion to extend its time to answer, notice of default is hereby entered against applicant under Fed. R. Civ. P. 55(a).

Applicant is allowed until thirty days from the mailing date of this order to show cause why judgment by default should not be entered against applicant in accordance with Fed. R. Civ. P. 55(b).

**NEWS FROM THE TTAB:**

The USPTO published a notice of final rulemaking in the Federal Register on August 1, 2007, at 72 F.R. 42242. By this notice, various rules governing Trademark Trial and Appeal Board inter partes proceedings are amended. Certain amendments have an effective date of August 31, 2007, while most have an effective date of November 1, 2007. For further information, the parties are referred to a reprint of the final rule and a chart summarizing the affected

rules, their changes, and effective dates, both viewable on the USPTO website via these web addresses:

<http://www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf>

[http://www.uspto.gov/web/offices/com/sol/notices/72fr42242\\_FinalRuleChart.pdf](http://www.uspto.gov/web/offices/com/sol/notices/72fr42242_FinalRuleChart.pdf)

By one rule change effective August 31, 2007, the Board's standard protective order is made applicable to all TTAB inter partes cases, whether already pending or commenced on or after that date. However, as explained in the final rule and chart, this change will not affect any case in which any protective order has already been approved or imposed by the Board. Further, as explained in the final rule, parties are free to agree to a substitute protective order or to supplement or amend the standard order even after August 31, 2007, subject to Board approval. The standard protective order can be viewed using the following web address:

<http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm>

ESTTA Tracking number: **ESTTA161219**Filing date: **09/06/2007**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Dmitri Kuklachev		
Entity	Individual	Citizenship	RUSSIAN FEDERATION
Address	Zvenigorodskaya St. 8-1-35 Moscow, RUSSIAN FEDERATION		

Attorney information	Alexey Bakman, Esq. Law Offices Of Alexey Bakman, Esq. 35 Seacoast Terrace # 3J Brooklyn, NY 11235 UNITED STATES Calllawyer@gmail.com Phone:(917)291-6612
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**Applicant Information**

Application No	77075635	Publication date	08/07/2007
Opposition Filing Date	09/06/2007	Opposition Period Ends	09/06/2007
Applicant	Mark Gelfman 468 Ocean Parkway Brooklyn, NY 11218 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 041. First Use: 1987/02/01 First Use In Commerce: 1990/02/01 All goods and services in the class are opposed, namely: Entertainment in the nature of magic shows; Entertainment in the nature of visual and audio performances, and musical, variety, news and comedy shows; Entertainment namely, production of Cat Shows and Performance in Shows by Cats
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**Grounds for Opposition**

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Consists of or comprises a name, portrait, or signature of a living individual without written consent, or the name, portrait, or signature of a deceased president without the written consent of the surviving spouse	Trademark Act section 2(c)
Priority and likelihood of confusion	Trademark Act section 2(d)
The mark is merely descriptive	Trademark Act section 2(e)(1)
The mark is deceptively misdescriptive	Trademark Act section 2(e)(1)
The mark is primarily geographically descriptive	Trademark Act section 2(e)(2)

The mark is primarily geographically deceptively misdescriptive	Trademark Act section 2(e)(3)
Dilution	Trademark Act section 43(c)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Genericness	Trademark Act section 23
Other	1. Actual Confusion 2. Specimen submitted by applicant does not support prior use allegation. 3. No bona fide use in commerce by Applicant prior to filing the application. 4. Applicant is not the rightful owner of the mark.

### Marks Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	MOSCOW CATS THEATRE		
Goods/Services	Entertainment in the nature of magic shows; Entertainment in the nature of visual and audio performances, and musical, variety, news and comedy shows; Entertainment namely, production of Cat Shows and Performance in Shows by Cats.		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	MOSCOW CAT THEATER		
Goods/Services	Entertainment in the nature of magic shows; Entertainment in the nature of visual and audio performances, and musical, variety, news and comedy shows; Entertainment namely, production of Cat Shows and Performance in Shows by Cats.		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	CATS THEATRE		
Goods/Services	Entertainment in the nature of magic shows; Entertainment in the nature of visual and audio performances, and musical, variety, news and comedy shows; Entertainment namely, production of Cat Shows and Performance in Shows by Cats.		

Attachments	KuklachevOpposition.pdf ( 12 pages )(119963 bytes ) Exhibits.pdf ( 55 pages )(2526175 bytes )
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Signature	/Alexey Bakman/
Name	Alexey Bakman, Esq.
Date	09/06/2007



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application of Serial No. 77075635: MOSCOW CATS THEATRE.  
Published in the Official Gazette of August 7, 2007.

Dmitri Kuklachev,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. _____
	)	
Mark Gelfman.,	)	
	)	
Applicant.	)	

**NOTICE OF OPPOSITION**

Dmitri Kuklachev ("Opposer"), an individual, residing at 8-1-35 St. Zvenigorodskaya, Moscow, Russia, and having a principal place of business as a leading actor and partner at Yuri Kuklachev's world-famous MOSCOW CATS THEATRE (alternatively spelled as Moscow Cat Theater), located at: 25 Kutuzovsky Prospect, Moscow 121151, Russia, believes he will be damaged by the registration of the mark MOSCOW CATS THEATRE in International Class 041, Application Serial No. 77075635, filed by Mark Gelfman ("Applicant"), and hereby opposes the same.

As grounds for opposition, solely for the purpose of this proceeding, Opposer alleges:

1. Opposer, Dmitri Kuklachev is the son of the world-famous clown and the founder of the Moscow Cats Theatre – Yuri Kuklachev. The Opposer is also the lead performer of the live cat shows at world-famous Moscow Cats Theatre.

2. Opposer frequently tours abroad under the Moscow Cats Theatre mark.
3. Following the success of the Moscow Cats Theatre U.S. tour of 2005-2006, starring his parents, Opposer decided to tour the United States, bringing to American audiences another, different, show of the Moscow Cats Theatre, in which Opposer stars. To this end, Opposer is currently conducting business negotiations with American promoter.
4. Opposer believes that Applicant's registration and continued use of the mark will prevent or seriously hinder Moscow Cats Theatre's and Opposer's future performances in the United States.
5. In the early 1970's, Yuri Kuklachev, Opposer's father and the founder of the "Moscow Cats Theatre", became renown as the world's first and only clown to perform with a "troupe" of cat performers. Many cats of the "troupe" were dressed in Moscovite folk costumes and executed tricks, similar to those of the human performers. The Cats Theatre performance became an instant hit, making Kuklachev a household name, synonymous with his Cats Theatre, throughout the world, and the United States in particular. (See Exhibit A, showing a porcelain bust of Kuklachev from the 1970s)

6. Whenever the Kuklachev's Cat's Theater was referred to, or announced outside of Russia, including the United States, the word "Moscow" was usually used before or after the phrase "Cats Theatre" to indicate the geographical origin of the theatre and the folk-costume nature of the show. (See exhibit B, page 2 of 3).
7. Kuklachev's family toured over 80 countries with their Moscow Cats Theatre, and won some of the highest entertainment performance awards around the world, such as the title of the "People's Performer --" the highest Russian entertainment award, the "Silver Clown Award" in Monte Carlo, "Golden Clown Crown" in Canada, "Golden Oscar" in Japan, portrayal on a San Marino Postage stamp, a chapter in the national grammar book in France, and Honorary Membership in the American Clown Association, among numerous other honors.
8. In 1977, Yuri Kuklachev with his Cats Theatre act, becomes among the first Soviet performers to officially tour the United States. Due to the tremendous success of the US tour, Kuklachev and his cats return for another US tour in 1980. Since then, and particularly after the collapse of the USSR, Yuri Kuklachev, his family, and their Moscow Cats Theatre have regularly toured the United States and intend to do so in the future.
9. Kuklachev family always took steps to protect the Moscow Cats Theatre mark to the best of their American legal and language knowledge, always explaining why

their act is a "Moscow Cats Theatre," and not a "Moscow Cats Circus," for example. (Exhibit C)

10. In 1990, Kuklachev's Cats Theatre, with a building located in the tourist center of Moscow, becomes one of the first private theaters in Russia and a Moscow tourist landmark. To this day, the theatre (located at 25 Kutuzovski Prospect, Moscow) is among the most popular in Russia, attracting numerous tourists, many of whom come from the United States.

11. The Opposer's parents' recent 2005-2006 US tours and regular on-Broadway performances, under the name of "MOSCOW CATS THEATRE," met with spectacular success and received broad news coverage throughout America.

12. The "Moscow Cats Theatre" mark, was and is unequivocally recognized by the audiences and the media as the one belonging to the famous Kuklachev family. For example, upon Kuklachev's arrival to the United States in 2005, most major American national networks and publications came out with stories about Kuklachev and the Moscow Cats Theatre he founded. (See exhibits D-G)

13. The front page of the New York Times from September 17, 2005 read: "Who Says You Can't Teach a Cat New Tricks? Yuri Kuklachev's Moscow Cats Theater has performed all over the world." (Exhibit D). In July 26, 2005, the Arts section of the New York Times reported: "Billed as the only entertainment of its kind,

"Moscow Cats Theater," created by the circus performer Yuri Kuklachev and featuring 20 cats, 2 dogs and 8 clowns, will make its United States debut at the TriBeCa Performing Arts Center" (Exhibit E). The Boston Globe wrote on January 22, 2006: "Kuklachev is the 56-year-old founder and (human) star of Moscow Cats Theatre, which travels to Boston for four performances on Saturday and Sunday." (Exhibit F). CBS network reported on October 19, 2005: "Anyone who owns a cat knows how tough it can be to get them to do just about anything. But don't tell that to Yuri Kuklachev, founder of the world famous Moscow Cats Theatre" (Exhibit G).

14. The above is just a sampling of the broad media coverage given to Kuklachev's Cats Theatre throughout the US. Countless other publications by both, highly reputable American media sources, and individuals, alike, are available online, and demonstrate broad public knowledge and belief in the ownership and association of Kuklachev's family with the Moscow Cats Theatre.
15. The success of the tours was in part due to Yuri Kuklachev's great efforts to promote his Moscow Cats Theatre in American media. As part of the promotion effort, Yuri Kuklachev personally gave interviews to major newspapers, and appeared with the cats on such television shows as "Good Morning America," "Good Day," "CBS Early Show," "Inside Edition," "The Montel Williams Show," and "Live with Regis and Kelly" to promote his Moscow Cats Theater, and

strengthen his common law rights to the well-known and famous “Moscow Cats Theatre” mark.

16. The Applicant’s promoting company, Gelfman International Enterprises, Inc., was hired by Yuri Kuklachev in 2005 for its knowledge of American business and legal customs, and language, to assist in arranging the tour and in marketing and advertising of Kuklachev’s Moscow Cats Theater. There were no prior business relations between Applicant and Kuklachev family.
17. The “Moscow Cats Theatre” mark was used in the United States (and never abandoned) by Kuklachev family long before any business relations with Applicant were formed. (See e.g., Exhibit H, Exhibit B).
18. In early 2007, the Opposer started planning his American tour of the Moscow Cats Theatre. At that time, much to his surprise, the Opposer learned that someone other than a member of Kuklachev’s family is already performing in the United States under the “Moscow Cats Theatre” mark. Further investigation revealed that Mark Gelfman, (Applicant and Moscow Cats Theatre’s promoter in the United States) has breached his duties to Kuklachev and was the person behind staging of performances under the Kuklachev’s famous mark.
19. Within days of Moscow Cats Theatre’s departure from the US, the Applicant usurped the good and famous name and worldwide acclaim of Kuklachev’s

famous “Moscow Cats Theatre” mark. On January 4, 2007, mere days after the Moscow Cats Theatre left the U.S., Applicant filed the trademark application at issue, to register Kuklachev’s “Moscow Cats Theatre” mark in his own name.

20. The Applicant has secretly, without Yuri Kuklachev’s or Opposer’s knowledge and consent, contacted and hired a little-known cat show performer (hereinafter referred to as the “Copycat Performer”). After the Moscow Cats Theatre left the United States, the Applicant proceeded with advertising and scheduling performances of the Copycat Performer under the “Moscow Cats Theatre” mark.

21. Applicant’s deceptive advertisement campaign for Applicant’s copycat performances included the use of the mark “Moscow Cats Theatre” or “Moscow Cats” in conjunction with Kuklachev’s and Opposer’s likeness and Kuklachev’s Moscow Cats Theatre’s promotional materials, causing actual confusion among the audience (See, e.g., Exhibit I for the sampling of advertising materials of Applicant’s copycat performances, using the images of, or implying the connection to, the Kuklachev’s family).

22. In fact, the specimen provided by Applicant (See Exhibit J), is Opponent’s poster, with performance dates modified by Applicant. Thus, the specimen provided does not show priority of use.

23. The poster, provided as specimen by Applicant depicts the image of Opponent – Dmitri Kuklachev. Yet, the poster advertises the 2007 Los Angeles and San Francisco tours of the copycat “Moscow Cats Theatre” – the tours that were neither connected to, nor in any way endorsed by the Kuklachev family or the Moscow Cats Theatre. (Exhibit J).
24. Exacerbating the confusion of the public as to the origin of the mark, the Kuklachev’s famous “Moscow Cats Theatre” mark on the specimen poster is complemented with the words “World’s Only.” (Exhibit J).
25. Knowing that the public associates the Moscow Cats Theatre mark with Kuklachev family, the applicant continues to use the mark in conjunction with images of Kuklachev family members for his deceptive advertising. In fact, to this day, another prominent poster used for Applicant’s advertisement campaign, portrays Dmitriy Kuklachev (Opposer), with a cat on his palm. Other posters and promotional materials utilized by Applicant in conjunction with the mark, bear portraits of Yuri Kuklachev and contain other references to the Kuklachev family. (Exhibit I)
26. The performances conducted by the Applicant and the applicant’s copycat performer under the “Moscow Cats Theatre” mark are very similar in nature to the ones performed by the authentic Kuklachev’s Moscow Cats Theatre, targeting the same audiences, in the same venues, using the same promotion methods.



Even the applicant's cat show performer dresses in a similar clown suit, wears similar makeup, hairstyle, and acts in a way very similar to Kuklachev, leading to numerous cases of actual mistaken identity by the audience (See Exhibit K, showing the photograph of the applicant's copycat performer, being mistaken for Kuklachev by the Moscow Cats Theatre's fans).

27. Applicant's use and registration of the mark "Moscow Cats Theatre" is without Opposer's consent or authorization.
28. Opposer has previously sent a cease and desist letter to Applicant concerning Applicant's use of the mark. Despite the cease and desist letter, the applicant continues to utilize the mark, as well as the likeness of Yuri Kuklachev and Dmitriy Kuklachev (the Opposer) in conjunction with the mark, intentionally misleading the public as to the origin of his services, and damaging the mark and Kuklachev's family reputation in the United States. (Exhibit I)
29. Applicant's use and registration of the mark "Moscow Cats Theatre" falsely suggests a connection with Opposer's name and identity.
30. Applicant is not (and was not, at the time of the filing of its application for registration) the rightful owner of the registered mark.

31. Applicant's use of the mark would dilute the distinctive quality of Kuklachev's famous marks.
32. Applicant's use and registration of the mark "Moscow Cats Theatre" is geographically deceptive in that neither Applicant, nor the Applicant's copycat performer have a physical theater in Moscow. Furthermore, neither of them originate from Moscow.
33. Upon information and belief, neither Applicant nor any predecessor or related company of Applicant has made actual use of the opposed mark on the date indicated in the application, nor on any other day prior to their association with Yuri Kuklachev and his Moscow Cats Theatre in September of 2005. In fact, the 1987 and 1990 dates indicated in the application correlate to the establishment of Kuklachev's first and only private Cats Theatre in Moscow.
34. As shown by the foregoing facts, and attached exhibits, Opposer's family has obtained proprietary rights in the "Moscow Cats Theatre" mark that are prior to Applicant's rights in the challenged mark. Such rights were obtained by prior use of the mark (including the use in promotion and nation-wide advertising of U.S. tours of Kuklachev's Moscow Cats Theatre) and by prior use analogous to trademark or service mark use.

35. Applicant's continued use and registration of "Moscow Cats Theatre" in connection with Applicant's services (international class 041) is likely to cause actual confusion, mistake and deception in that consumers are likely to believe that Applicant's services and products are Opposer's services and products or the services and products of a company that is sponsored, authorized or licensed by, or in some other way legitimately connected with, Opposer.
36. Applicant's continued use and registration of "Moscow Cats Theatre" in connection with Applicant's services (international class 041) does in fact, and has already caused large-scale actual confusion, mistake and deception in that consumers do believe that Applicant's services and products are Opposer's services and products or the services and products of a company that is sponsored, authorized or licensed by, or in some other way legitimately connected with, Opposer or Opposer's family.
37. Registration by Applicant of "The Moscow Cats Theatre" mark (Application Serial no. 77075635) for use in connection with Applicant's services in international class 041, would cause monetary damages, damages to reputation, and be otherwise damaging to Opposer.
38. WHEREFORE, Opposer respectfully prays that this Opposition be sustained and that Application Serial no. 77075635 be denied registration.
- Opposer herein submits the requisite filing fee in the amount of \$300.00.

Please address all correspondence to Alexey Bakman, Esq. at the below address.

Dated: September 6, 2007

Respectfully submitted,

/Alexey Bakman/

ALEXEY BAKMAN, ESQ.  
Attorney for Opposer  
35 Seacoast Terrace #3J  
Brooklyn, NY 11235  
(917)291-6612

In the Matter of Application of Serial No. 77075635: MOSCOW CATS THEATRE.

Published in the Official Gazette of August 7, 2007

Dmitri Kuklachev (Opposer) v. Mark Gelfman (Applicant).

# **Exhibit A**



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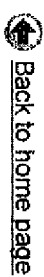
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## YURI KUKLACHEV AND PERFORMING CATS - PORCELAIN C 1975

### Bidding has ended for this item

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#### Similar items from all eBay sellers

##### Item Name

##### Price

##### End Date

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[Adorable Kitten Salt and Pepper Shakers Porcelain Cats](#)

US \$3.59

May-25-07 18:36:21 PDT

[Coalport Porcelain Cup and Saucer C.1810](#)

US \$195.00

May-20-07 16:26:36 PDT

[ANTIQUE FRENCH BRONZE AND PORCELAIN CANDLESTICK C.1890](#)

GBP 22.00

May-17-07 08:07:58 PDT

[Fine and Curious : Japanese Export Porcelain in Dutch C](#)

US \$188.78

Jun-01-07 11:16:48 PDT

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Sold for: **US \$224.95**

Auction ended early with Buy It Now.

Make no payments for 3 months [Apply](#)

Ended: **Feb-28-07 10:40:06 PST**

Shipping costs: **US \$25.00**

Other (see description)  
Service to [United States](#)

Ships to: [Worldwide](#)

Item location: [Midwest, United States](#)

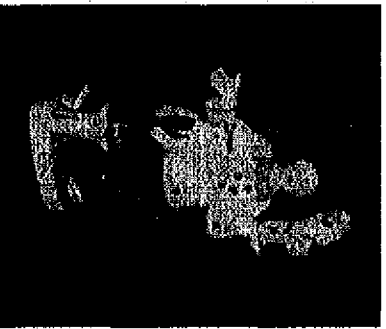
History: [1 bid](#)

Buyer: [stbasils \(233 ★\)](#)

You can also: [Email to a friend](#)

[Listing and payment details:](#) [Show](#)

[View larger picture](#)



#### Meet the seller

Seller: [tinel collectibles \(502 ★\)](#)

[m2](#)

Feedback: **100% Positive**

Member: since Aug-25-02 in United States

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#### Buy safely

##### 1. Check the seller's reputation

Score: 502 | 100% Positive

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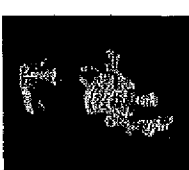
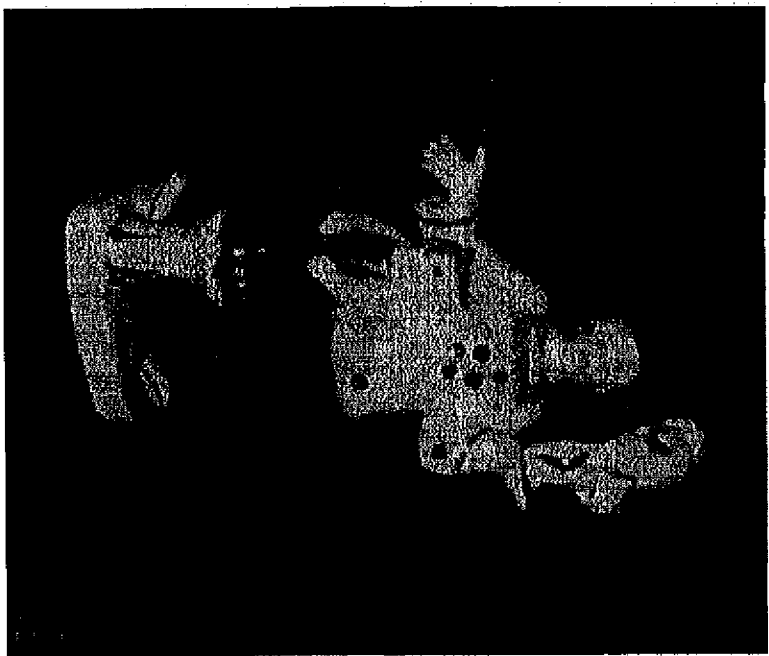
#### Description

A beautiful porcelain figure representing the famous Russian clown Yuri Kuklachyev and his performing cats. Yuri Kuklachyev founded the Moscow Cats Theatre, the only such theatre company in the world, featuring cats which perform original acrobatics. The company is one of Russia's most popular for children and adults. This month's issue of Cat Fancy magazine (March 2007) features an article on Yuri Kuklachyev and is very interesting reading.

We have recently featured a piece by the same artist that created this porcelain, which we assume is dated c 1975, as was the previous piece (a singing bear pushing a troika). Kuklachyev is pictured with a cat in his hand which is balancing on its front paws, and another which stands to the side in a dress. The flow blue, orange and gold colors predominate. He is in perfect condition and measures 8 1/2 inches tall and the pedestal 3 1/2 inches wide.

Please feel free to write with any question you may have.

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Published in the Official Gazette of August 7, 2007

Dmitri Kuklachev (Opposer) v. Mark Gelfman (Applicant).

# **Exhibit B**



**Г К К  
RUSSIAN  
К Л Ю Б**

## GCC Russian Club

Glendale Community College,  
Glendale, Arizona

*"To stimulate interest in and broaden knowledge  
of the Russian people, their culture, and their  
language."*

- Non-Students Welcome
- Usually meet on first Saturday of month--7 PM.



Arizona Russian website

### Club Officers

President: Tanya

V.P: Genevieve

Treas: Bob

Secretary: Andy

Adviser: Dr. Joyce Story

(623) 845-3686

joyce.story@gmail.maricopa.edu

Co-Adviser: David Rodriguez

(623) 845-3125

d.rodriguez@gcc.maricopa.edu

### Other AZ Russian Clubs:

ASU Russian Language Club

ASU Former Soviet Students Club

Thunderbird Russian Club

Germans from Russia Club

Arizona Hatalakas

### Club Information:

[Map to Meetings](#)

[Chronicles of Past Events](#)

[Az Russian Clubs & Business](#)

[E-Mail Received](#)

[Club GCC Russian Club Constitution](#)

[List of Top 10 Lists for Studying Russian](#)

[Russian courses at GCC](#)

[Russian News & Current Events](#)

[61 Russian Clubs \(16 in Russia\)](#)

[Other Russian websites of interest](#)

[We sponsor the Molokan Home Page](#)

## Club Calendar of Events

[Calendar \(MS Word 212KB\)](#) -- [Map to Meetings](#) -- [Chronicles of Past Events](#)

### Fall 2000 GCC Russian Club Events:

See pictures of October 7 Meeting.

[Click to New Arizona Russian Website](#) by Sergey Galtsev

Our Russian calendar will soon be on the radio all over Arizona!  
Listen to KSAZ-AM 580, Saturday and Sunday at 11 AM to noon for Slavic and  
Eastern European ethnic music and events on the Dan Babich show.

**February 3 -- Saturday -- 5 PM -- Meeting at GCC**

cancelled so all can attend Kuklachov's Moorow Cat

Theatre at the Red River Music Hall, 730 N Mill Ave.

Tempe at Washington Street, just north of 202 Loop between  
Priest and Rural exits. Tickets: \$20-\$35 at Russian stores  
and restaurants.



**March 3 -- Saturday -- 7 PM -- Meeting 6 -- Club**

Musicians Larissa & Genevieve will play  
classical and Russian music on piano and violin.  
Samovar tea and refreshments. Listen to a sample of  
their music. (ONLY WITH MS-INTERNET EXPLORER) See  
pictures of October Concert.



**April 7 -- Saturday -- 7 PM -- Meeting 7 -- Pisanki**  
(Ukrainian Easter eggs) --



### Arizona Russian Events

Updated December 20

Copyright

Every Monday 6:30 pm -- Russian-Jewish Dance Rehearsals  
for Loka Rosa and Bvelarova Eastern European Folk Dance & Music  
Ensemble. New members, visitors and interested public welcome. No charge.  
3043 E. Ivan Ave. Meet just south of I-60 -- Sossman off ramp -- near  
Ellsworth & Baseline. Location subject to change, so phone first -- Tish Dvorkin

Study Russian at GCC  
**Русский Язык**

**YEAR: 2001**

**http://RUSSIANAZ.ORG**



February 3, 2001  
Saturday 5 PM

## Kuklachev

Moscow Circus clown and animal trainer,  
"Yury Kuklachev's Cats Theatre" (26 trained cats)  
*New Super Show!* 2-hour play: *'Cats From Outer Space'* a  
fantasy in which alien cats come to Earth to save humanity from evil.

Red River Music Hall, 730 N Mill Ave, Tempe, Arizona  
(at Washington Street, just north of 202 Loop between Priest and Rural  
exits)

**Tickets \$25 - \$40**

In Phoenix at Russian restaurants & stores: Vintage-Borgata 480-315-8199;  
Tashkent 602-242-2700; International Market 602-433-2525; In Tucson at  
Russian store: 520-320-5129; at Ticket Master: 480-784-4444; or for group  
discounts and more information call: 602-277-9034.

See article in Arizona Republic Monday, January 29, 2001



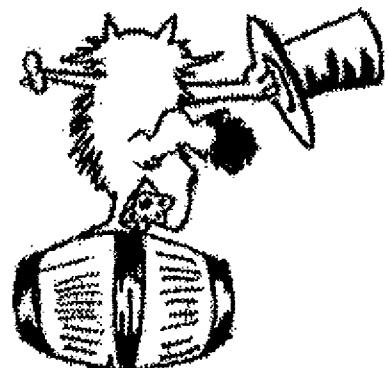
Nobody knows how Yuri Kuklachev communicates with cats. Possibly they can read his mind. Cats around the world want to play just with him, sometimes three times a day in performances at his "cat theatre".

Kuklachev became a legend first in Russia 25 years ago as a former circus clown where he is loved and acknowledged everywhere, then Europe, and is now touring America.

There is no act in the world comparable to Kuklachev's Cat Theater. It's difficult to describe Kuklachev to an American, perhaps a combination of Red Skeleton, Zigfield and Roy, and house cats, may be close. Due to large numbers of Russian immigrants who know him, his 30 New York performances were sell-outs.

The Los Angeles Times reported, January 17, 1998, on the unusual sustained success, in turbulent economic times, of the Cat Theater of Moscow, whose 300-seat shows remain sold out weeks in advance. Despite conventional wisdom that cats are untrainable, proprietor Yuri Kuklachev has them climbing poles, walking tightropes, pushing toy trains, leapfrogging over human backs and balancing atop tiny platforms.

The Cat's Theater started in 1990 after *perestroika*, when Russian's could own their own business. That same year, Kuklachev was solicited by a British promoter to be the chief clown for Peter Jay's Superdome Circus in Blackpool, England. At that time there was a quarantine (8 to 12 months) which prevented the importation of animals. Jay suggested doing the act with stray British cats. Kuklachev accepted the challenge and collected 20 stray cats from the streets and animal shelters.



After the stray cats were fed and adopted, Kuklachev came into their room and talked to the cats in Russian. Nobody knows what he told them, maybe: "Guys, I have contract, I need to work, help me." And cats understood him. After 3 months of training, they did a fabulous show. Kuklachev and staff traveled back and forth performing in Blackpool, and Moscow for almost 2 years until the Moscow Cat's Theater demanded all of their time.

The Kuklachev's are an artistic family. His wife Lena is always near him, in at home and on the stage. Son Dima is a clown too. His daughter will become a designer. The youngest Kuklachev is studying in the Bolshoi Theatre ballet school. Sister Olga always together, she is his manager. And the major part of his family are the members of his Cat Theatre.

In Moscow Cat Theater is a place where kids and adults dream to go. It is always grand occasion, where adults can retrieve their childhood and laugh to tears. The audience can follow Yuri onto the stage, or dance with him in the aisle. The Moscow Cat Theater is not only a dream that came true, but a testament to his artistic and business talent.

- See article in Arizona Republic Monday, January 29, 2001
- Read "Where the stars purr: Moscow's Cat Theater", by Fred Weir and Yasha Ryzhak
- a with many photos and film clips
- Another Japanese website about Kuklachev with animation
- Biography of Kuklachev Iuri Dmitrievich (in Russian)
- Kuklachev without makeup on Russian radio (also sound)
- 7 shows in New York, March 9-11, 2001 are almost sold out!
- Cat Theatre picture, 1997
- Kuklachev and Cats' Training

Back to GCC Russian Club Calendar

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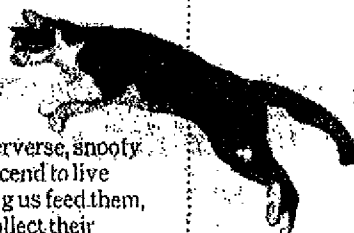
Dmitri Kuklachev (Opposer) v. Mark Gelfman (Applicant).

# **Exhibit C**

# Time Out New York

SEPTEMBER 15-21, 2005 | TIME OUT NEW YORK

Out



Cats are known to be perverse, snooty creatures who condescend to live among humans, letting us feed them, occasionally pet them and collect their turds in boxes discreetly tucked away in the bathroom. Cats are their own people. Or so we thought. On Saturday 17, Yuri Kuklachev brings the nimble felines of his Moscow Cats Theatre to NYC, where they'll balance balls on their kitty noses, turn kitty somersaults and generally behave in a very un-kittylike manner.

"You can't tiff in the cat," Kuklachev's son and partner, Dmitri, explains. "You need to understand the cat and the cat must understand you." Yuri pioneered tabby theater when he found a kitten on the street 30 years ago. Today his repertoire includes a stable of 120, many of which also act on Russian television. Originally, the Kuklachevs took in strays for their act, "but now," Dmitri says, "we have a dynasty. We're working with grandsons and granddaughters of the cats who were working with my father years ago." The Kuklachevs have achieved these results—without declawing—simply by rewarding their stars with timely, well-placed petting. And yes, understanding. When we refer to the kitty circus, Dmitri quietly corrects us. "It's not a circus, it's a theater. The cats," he adds, "are like artists." —KP

Moscow Cats Theatre runs weekends, Saturday 17 to October 30, at the Tribeca Performing Arts Center, 199 Chambers Street between Greenwich and West Streets (see Theater, Off Broadway). For information, go to [www.moscowcatstheatre.com](http://www.moscowcatstheatre.com).

## Pussy galore

The Moscow Cats Theatre brings some tom foolery to Tribeca





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# **Exhibit D**

September 17, 2005

## INSIDE

### Basic Medicare Premium To Jump 13% Next Year

The Bush administration announced that the basic Medicare premium would rise 13 percent next year, to \$88.50 a month, mainly because of the increased use of doctors' services. Many beneficiaries will pay an additional premium for the new prescription drug benefit, expected to average \$32 a month. PAGE A8

### U.S. Strategy Under Scrutiny

The spate of bombings in Baghdad, as the military mounts operations on the Syrian border, has raised anew questions about American strategy for fighting the insurgency in Iraq and put American and Iraqi security forces on the defensive. PAGE A6

### Schwarzenegger to Run Again

Gov. Arnold Schwarzenegger of California declared that he would seek re-election next year. "Of course, I'm going to finish the job," he said at a public forum. "I'm a follow-through guy." PAGE A8

### A Bloomberg-Bush Split

Breaking with the Republican White House, Mayor Michael R. Bloomberg said he opposed the Supreme Court nomination of Judge John G. Roberts Jr. PAGE B6

### Who Says You Can't Teach a Cat New Tricks?

Yuri Kuklachev's Moscow Cats Theater has performed all over the world. Mr. Kuklachev recently arrived in the United States with 26 members of the troupe; they are to make their New York debut tonight. THE ARTS, PAGE B7

## THIS WEEKEND

### T: Men's Fashion

The New York Times Style Magazine explores new fall looks, including luxurious leathers, bohemian sweaters and pants, short jackets and new takes on flannel and tweed.

### The Funny Pages

Introducing a new department that features graphic-novel comic strips, serial fiction and

humorous first-person essays. MAGAZINE

### A Choreographer's Outrage

Bill T. Jones is about to unveil his most urgently topical work yet, so political it could be called "Dancing for Howard Dean." ARTS & LEISURE

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# **Exhibit E**

July 26, 2005

## Arts, Briefly

COMPILED BY LAWRENCE VAN GELDER

### Martin to Shield Arab Youth From Stereotyping

The Puerto Rican-born pop singer Ricky Martin, a United Nations Children's Fund goodwill ambassador making his first visit to the Middle East, said yesterday in Amman, Jordan, that he would try to defend Arab youth against negative Western stereotypes, The Associated Press reported. His shoulders draped at one point with a traditional Arab headscarf inscribed in Arabic with the words "Jerusalem is ours," Mr. Martin, right, spoke to an audience of 14- to 16-year-olds from 16 mainly Arab countries who were attending the silver jubilee Arab Children's Congress and had expressed concern about being labeled terrorists in the West. He said: "I promise I will become a spokesperson, if you allow me, a spokesperson on your behalf. I will defend you and try to get rid of any stereotypes." He added: "I have been a victim of stereotypes. I come from Latin America, and to some countries, we are considered losers, drugs traffickers, and that is not fair because it is generalizing." He said he planned to leave later yesterday for Thailand, where his Ricky Martin Foundation has built 225 homes for children orphaned by the Asian tsunami last December.

### Green Day Tops MTV Nominees

The punk rockers Green Day, followed by Gwen Stefani, Missy Elliott and the Irish rockers U2, led the way yesterday when the nominees for the 22nd annual MTV Video Music Awards were announced. Green Day (whose Billie Joe Armstrong is at left) had eight nominations, Ms. Stefani and Ms. Elliott six each, and U2 five. P. Diddy will serve as host of the event, on Aug. 28 in Miami, where the scheduled performers include Kanye West, Green Day and Kelly Clarkson, The Associated Press and Reuters reported.

### Polanski Account Affirmed

Beatte Telle, the Norwegian model who didn't testify at the filmmaker Roman Polanski's libel suit against Vanity Fair, has come to his defense in an interview with The Mail of London from her home in a suburb of Oslo, The Associated Press reported. A 2002

article in Vanity Fair said that in an encounter in Elaine's restaurant in Manhattan in August 1969, he had put his hand on her thigh and promised to "to make another Sharon Tate out of you" while en route to the funeral of Tate, his wife, after her murder in California. Ms. Telle told The Mail: "He never said that he would 'make me another Sharon Tate' or that he would make me a star. He never spoke to me at all." She said: "Polanski just stood there. He just stared at me for ages. Perhaps I reminded him of Sharon Tate." Condé Nast, the publishers of Vanity Fair, agreed that the incident did not precede Tate's funeral but happened about two weeks later, and Mr. Polanski's lawyers denied that it ever took place. On Friday in a London court, a jury decided that Mr. Polanski had been libeled, and Vanity Fair was ordered to pay £50,000 (\$87,700) in damages and a substantial portion of his legal fees.

### Jane Fonda's Antiwar Tour

Jane Fonda plans to fight another war. Ms. Fonda, outspoken against the war in Vietnam in the 1970's, says she intends to take to the road on a cross-country bus tour in March to call for an end to United States military operations in Iraq. The Associated Press reported. Prompted by a question from an audience of hundreds in Santa Fe, N.M., where she was promoting her best-selling autobiography, "My Life So Far," she said veterans encountered on her book tour had encouraged her to break her silence on Iraq. "I've decided I'm coming out," said Ms. Fonda, above, adding that on her antiwar tour in March aboard a bus fueled by "vegetable oil," she would be joined by families of Iraq war veterans. Other than that, she said, "I can't go into detail except to say it's going to be pretty exciting."

### Terrorism Colors Festival

Opening the Salzburg Festival, Austria's president, Heinz Fischer, called for defense of European values in an age of terrorism, The Associated Press reported. Recalling the Nazi horrors of the 20th century and the recent terrorist attacks in London and Egypt, he said: "We never even considered that it would come to the kind of terror that murders women and children. But we cannot allow our European values to be bombed away." Performances began yesterday.

### Casting Calls

The great wizard Gandalf will be portrayed by the Tony Award winner Brent Carver ("Kiss of the Spider Woman"), below, in the musical production of "The Lord of the Rings," directed by Matthew Warchus, which is to begin performances on Feb. 2 at the Princess of Wales Theater in Toronto. The cast of 55 from Canada and Britain will also include James Loyer as Frodo, the ring bearer; Michael Therriault as Gollum; Evan Buliung as Aragorn, the king in waiting; Richard McMillan as the wizard Saruman; and Peter Howe as Sam, Frodo's faithful friend. The official opening is scheduled for March 23. "Shining City," a new play written and directed by Conor McPherson ("The Weir"), is

to open on Broadway on Nov. 10 at the Schoenfeld Theater. Starring Rufus Sewell and Stanley Townsend, this story of a struggle between the living and dead deals with a man in Dublin who seeks a therapist's help, saying he has seen the ghost of his recently deceased wife. After performances at the Curran Theater in San Francisco from Sept. 13 through Oct. 9, Broadway previews begin on Oct. 18, with an official opening on Nov. 10. Billed as the only entertainment of its kind, "Moscow Cats Theater," created by the circus performer Yuri Kuklachev and featuring 20 cats, 2 dogs and 8 clowns, will make its United States debut at the TriBeCa Performing Arts Center from Sept. 16 through Oct. 30, playing a weekend schedule of performances on Fridays at 8 p.m. and Saturdays and Sundays at noon and 3 p.m. The Academy Award winner Olympia Dukakis ("Moonstruck") and the Tony Award winner George S. Irving ("Irene") will be joined by Veanne Cox, a Tony Award nominee for "Caroline, or Change," in the Barra Grant comedy "A Mother, a Daughter and a Gun," directed by Jonathan Lynn ("My Cousin Vinny"), beginning on Oct. 14 at Dodger Stages. The official opening date is Nov. 1. The show will run at the Helen Hayes Theater in Nyack, N.Y., from Sept. 23 through Oct. 9. Mireille Enos, Clea Lewis, Alan Ruck, Deborah Rush and Paxton Whitehead have been cast in the Manhattan Theater Club's revival of Alan Ayckbourn's "Absurd Person Singular," about three couples in three kitchens on three successive Christmas Eves. Previews begin at the Biltmore Theater on Sept. 22; the official opening date is Oct. 18. The Tony Award-winning musical "Monty Python's Spamalot" is to open at Wynn Las Vegas in 2007 upon completion of the Spamalot Experience and Grail Theater.

**Correction:** July 30, 2005, Saturday A report in the "Arts, Briefly" column on Tuesday about the cast of "A Mother, a Daughter and a Gun," which is to open in the fall at Dodger Stages, misidentified the show for which Veanne Cox was nominated for a Tony. It was the revival of "Company," not "Caroline, or Change." 1/3 1/3

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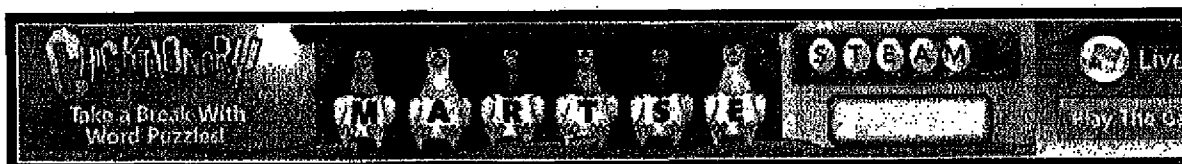
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# **Exhibit F**




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THEATER

The Boston Globe

## With Moscow Cats Theatre, the furry will fly

Or at least walk the tightrope in this show featuring feline stunts

By Joan Anderman, Globe Staff | January 22, 2006

NEW YORK -- Forget fish. If you want to get on a cat's good side, try chicken breast. That's the secret of Yuri Kuklachev's success, which includes persuading his troupe of performing felines to walk the tightrope, execute handstands, push strollers, and play nice with one seriously outnumbered dog.

"It's expensive," says Kuklachev, through a translator, of the talent's eating habits. He was relaxing in a front-row seat at the TriBeCa Performing Arts Center, where the show opened in September. "But they love their chicken, and I love them."

Kuklachev is the 56-year-old founder and (human) star of Moscow Cats Theatre, which travels to Boston for four performances on Saturday and Sunday.

Twenty-six members of the theater's 120-strong troupe of cats have made the trip from Russia, where they live with 10 caretakers and four veterinarians in a government-funded venue/living space. The stripped-down company -- which includes nine two-legged castmates, among them Kuklachev's son Dmitri and wife, Yelena -- made its US debut in front of non-Russian audiences at the TriBeCa center. In the past, they've performed stateside for exclusively Russian audiences.

Moscow Cats Theatre is a family show, performed without words, using a few quaint props and set pieces. Story lines ostensibly fuel the handful of routines in the 80-minute show; most seem to involve an extended dream about cats.

Following a recent performance in New York, several audience members expressed dismay at the steep ticket price for such a modest production; seats for the Boston shows are comparably priced at \$46 and \$56.

"I don't train them, I play with them," says Kuklachev, which is good

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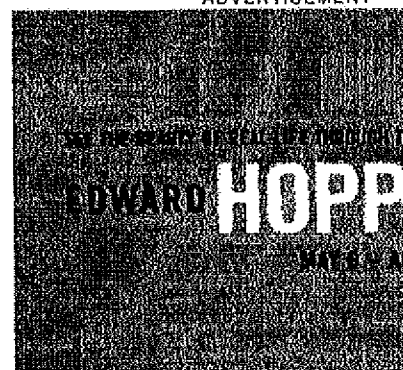
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80

news for animal rights activists but also helps explain the low-wattage impact of the show.

A former clown with the Moscow State Circus, Kuklachev stumbled onto his act, quite literally, when he came upon a stray kitten in the street begging for food while standing on its hind legs. Kuklachev, realizing that he could incorporate cat games into his circus act, took her home and named her Strelka. Soon Kuklachev and Strelka's "Cat in the Pot" act -- reprised in the US show -- became a big hit with Russian audiences, and in 1990, with the support of the Russian government, he founded his cats theater. Since then, Kuklachev says, he and the cats have traveled to 80 countries and won numerous awards.

Back home the animals live in glass-fronted spaces, Kuklachev says, where they each have a bed and a chair. The 26 visiting cats have been living in a rented house in Brighton Beach, where they've commandeered a large basement -- all but one, that is. Marusa, who lives upstairs with Kuklachev and his family, seems to be the company diva; she's the one, after all, who pulls off the big-money handstand in Kuklachev's palm. But Kuklachev says that there's no special trait or particular proclivity that qualifies one cat over another when it comes to performing.

"Some cats come from shelters, friends bring a lot of cats, we have many cats already and they reproduce. I work with all of them," says Kuklachev. "Even if she is afraid to work in front of the public, someone takes her around when the show is going so that cat starts to understand the public."

And if a cat decides in the middle of her act that she just doesn't feel like balancing on a disco ball?

"Nothing," Kuklachev says. "She's going backstage and another comes to do the same thing. It's like a game for them. I watch them and see what they like to do and what they don't like to do and work around that. There's nothing unnatural. And there's no other theater of this kind in the world."

Joan Anderman can be reached at [anderman@globe.com](mailto:anderman@globe.com). ■

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Dmitri Kuklachev (Opposer) v. Mark Gelfman (Applicant).

# **Exhibit G**



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### Feline Acrobats Are The Cat's Meow

Yuri Kuklachev Shows Off A Few Tricks From His Moscow Cats Theater

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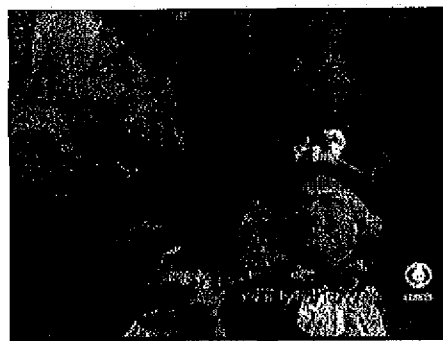
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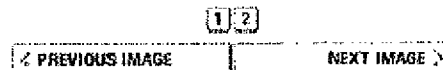


Marusa doing a paw stand with Yuri Kuklachev. (CBS/The Early Show)

(CBS) Anyone who owns a cat knows how tough it can be to get them to do just about anything. But don't tell that to Yuri Kuklachev, founder of the world famous Moscow Cats Theatre.

He appeared on *The Early Show* in a colorful costume with Marusa the cat standing still in the palms of his hands. Without wasting any time, Marusa did a paw stand on his hand. As he twirled around, Marusa kept its legs in the air and its tail at a 30 degree angle.

Another cat joined him for a bike ride and another held on to a blue and red rocking horse as it swayed back and forth. A grey and white cat walked on a tightrope — right-side up and upside down, using its four legs to hang on.



#### QUOTE

"I don't train them. They train me."

Yuri Kuklachev

In the next trick, the cat looked as if it were on boot camp. As two people held two ropes horizontally, the cat quickly walked across the two poles. Then Kuklachev turned him around and it hung by its two front legs, and it scurried across the poles — not once but twice.

Co-anchor Hannah Storm was invited to be part of the act. She was asked to

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bend her back and two of his helpers quickly joined her on each side. Then she felt one of the cats jump from back to back to back on his command.

He uses gentle strokes and soft words in Russian to control the cats.

"I don't train them. They train me," Kuklachev said with the help of translator Mary Mondello. "I have a theater. It's in the circus that they train. We find common language."

Kuklachev is a renowned circus performer, but for almost 30 years his act is all about cats. He says chance brought them together.

"I was walking down the street and I found a kitten in the bushes. Someone abandoned it," Kuklachev said as Marusa rested on his shoulders and rubbed her face on his. "I took pity on him. I picked him up and brought him home and I sat him; started playing with him and I have an idea — to perform with cats. Back then, I didn't know that no one in the world was working with cats. So with my cats, I traveled all over the world. I got a prize in Monte Carlo. I got other prizes. My cats helped me get them."

Moscow Cats Theatre made its debut with American audiences last month at the Tribeca Performing Arts Center. Because of its popularity, the theater has extended the show's run through Dec. 29. The New York cast includes 26 cats, 2 dogs and 6 clowns.

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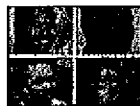
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# **Exhibit H**



# + Cosmocats outta sight

Acrobatic felines  
from Moscow land  
in Tempe for show

By Jennifer Wood  
The Arizona Republic

Combine outer space, a disco ball, acrobatic cats and what do you get? No, not a strange dream you had last night. This is reality at Yuri Kuklachov's Moscow Cat Theater.

The theater's show, *Cats from the Galaxy*, is coming to Tempe's Red River Music Hall Saturday and will no doubt prove anyone wrong who thinks cats can't be trained.

The group is on tour in the United States until March. After stops in Japan, Sweden, Finland and Israel, troupe members will go home to Moscow where they perform to sold-out crowds.

According to Andy Conovall, a volunteer for several Arizona Russian groups, mere mention of the name Kuklachov in Russia and people ask, "Cats?" This, and the fact his name is as common as Smith in the United States.

Featuring felines that climb poles, jump through hoops, balance balls on their noses and dance to music, it's no wonder the show receives a great deal of attention.

Kuklachov got the idea for the theater after taking in a stray and very animated kitten 30 years ago.

"I had to wake up during the night to play with him," Kuklachov said. "I thought to myself, 'Why don't I use this



Moscow Cat Theater

This cat can disco. Yuri Kuklachov and his Moscow Cat Theater will appear at Tempe's Red River Music Hall on Saturday.

## If you go

**WHAT:** Cats from the Galaxy.

**WHERE:** Red River Music Hall, 730 N. Mill Ave., Tempe.

**WHEN:** 5 p.m., Saturday.

**COST:** \$25-\$40. For more information, call the Music Hall box office at (480) 829-6779 or Ticketmaster at (480) 784-4444.

idea in my entertaining?"

So he became a pioneer in entertainment and incorporated cats into his performances. Today, his theater in Moscow houses 120 cats.

On Saturday, 26 Kuklachov cats will act out a comedy play in which the heroine Manya fights to save humanity from evil. Naturally, this is done by beaming rays of goodness at them from a big

mirrored ball.

And you thought Fluffy's only trick was batting yarn.

"(The cats) are really ready and willing to work, like real actors. They enjoy it," Kuklachov said.

These actors aren't picky about who they work with, either. Three dogs also take part in the performance.

Kuklachov said the show is perfect for cat lovers.

"They will see that if you really love your pet you can make him or her do incredible tricks."

His secret: communication.

"The cat has to love you first."

So find an English tiger-kitty and start your own theater. Kuklachov said it is the easiest breed to work with.

Reach the reporter at [jennifer.wood@arizonarepublic.com](mailto:jennifer.wood@arizonarepublic.com) or (602) 444-7922.

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## Moscow Cats Theatre Returns to LA's Wilshire Ebell Theatre

By Josh Menzies  
Published Apr 13, 2007  
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After a memorable engagement in 2006, the world's only **Moscow Cats Theatre** is back in Los Angeles for eight performances in April and May at the Wilshire Ebell Theatre.

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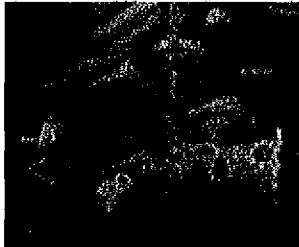
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Moscow Cats Theatre hit the United States with its debut in New York City a year ago and immediately turned into one of the city's most popular attractions.

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The family show originally from Russia has become nationally recognized as a one-of-a-kind act that features non-stop action from a group of 30 talented felines performing jaw-dropping stunts that is fun for the whole family.

And with its actors exclusively these furry toms, **Moscow Cats Theatre** is a show for all ages as children, parents and even grandparents are treated to an extraordinary performance that can't be seen anywhere else.

"The cats are the stars of the show - they walk tightropes, balance balls, do paw-stands, jump from great heights, and unerringly negotiate complex mazes," said Yuri **Kuklachev**, artistic director of **Moscow Cats Theatre**.

"We glorify them and that's why we provide the cats with a traveling entourage including a vet, kitty caretaker and personal stylist to tend to the needs of our feline superstars."

Over thirty years ago, fortune came to **Kuklachev** when he discovered a small, dying kitten in the street. From that day forward, cats became **Kuklachev's** new love.

And with his training in circus school and a new pet in his home, **Kuklachev** had finally found his calling.

"It's not me who trains cats," **Kuklachev** asserted. "It's cats who train me, and I just watch them. The main thing is to love the animal and when your fluffy friend has felt it, it will reciprocate."

Just a year ago, **Moscow Cats Theatre** hit the United States with its debut in New York City and immediately turned into one of the city's most popular attractions, earning appearances on Good Morning America, Good Day, CBS Early Show, Inside Edition, The Montel Williams Show and Live with Regis and Kelly.

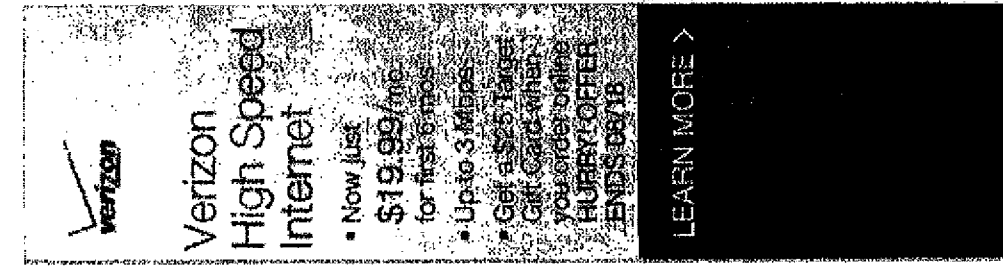
Critics and publications across the board have raved about the hit show, which supports the work of the American Society for the Prevention of Cruelty to Animals.

The New York Times remarked, "Roll over Cats, the real thing is here," while the New York Post commented that the show is simply "Spec-cat-

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ular."


Others have also praised the show's unique setting, including *Newsday*, which added, "This show is the cat's meow." Meanwhile, *Bloomberg News* sings its own praises for Moscow Cats Theatre: "The Russian cats have paved their way to the top, and these furry divas can act."

The cast also includes two dogs and six downs performed by Kuldachev, his wife Yelena, Inga Gerasimova, Alexander Gerasimov, Lioudmila Smirnova and Vasilii Zhuravlev.

But for Kuldachev, the guiding principle behind the Moscow-based Cats Theatre remains, "Give all your kindness, all the good you have accumulated, to the spectators."

"In order for a cat to come out with you onto the stage, it not only has to know you but it has to trust you," he said. "It is scared by music, audience, applause, and thus it has to see you as the one who protects it. The main thing is to find mutual understanding."

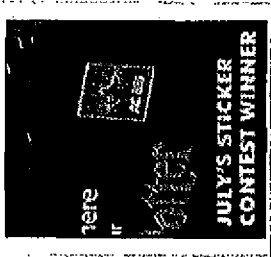
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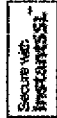
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Saturday October 6 @ 1pm, 4pm  
Sunday October 7 @ 1pm, 4pm  
Saturday October 13 @ 1pm, 4pm  
Sunday October 14 @ 1pm, 4pm  
Saturday October 20 @ 1pm, 4pm  
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Sunday November 11 @ 1pm, 4pm  
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Wednesday December 26 @ 3pm, 6pm  
Thursday December 27 @ 3pm, 6pm  
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Sunday December 30 @ 1pm, 4pm

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# Theater: Moscow Cats Theater

Venue: Off Broadway(Theater)

Running Time:

Background:

"Moscow Cats Theater" is definitely one of the most unique entertainments in the world. The show features non-stop fun and action by a troop of talented and adequately trained felines who perform original and impressive acrobatic feats. The show is filled with unbelievable stunts by the pretty ...

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"Moscow Cats Theater" is definitely one of the most unique entertainments in the world. The show features non-stop fun and action by a troop of talented and adequately trained felines who perform original and impressive acrobatic feats. The show is filled with unbelievable stunts by the pretty felines. There are 20 cats, 2 dogs and 8 clowns. The show was created almost 30 years ago by renowned Yuni Kukulachev, a circus performer.

The show features a cat that jumps all of twenty feet and lands on a platform the size of a tea tray with utmost perfection. The show is delightful entertainment and is all geared to children and anyone who is fanatical about felines.

Kukulachev is accompanied by three clowns to conduct the show. More than anyone else, he is also an accomplished cat coxer. He is a good clown himself too. He resembles the jovial and flamboyant Wizard in the Wizard of Oz. To add to the list he is also an excellent mime. After 35 years in circus he himself is an expert that one should watch out for. He leads the other clowns to perform acts that are not only physically demanding but are astoundingly impressive too. The acts include riding a giant pogo stick, dancing of all kinds and shimmying hula hoops too. Kukulachev even tries his hand at sketching audience members. The motto being anything and everything is appropriate in the show as long as its well done.

As per the show there is a rainstorm from which the cats are to be protected using small cages on tall poles. There is also a magical artist's studio-the site where three mannequins come alive to entertain. What one needs to watch out for is a space alien invasion to kidnap the cats. The show does not have too much glitz, but it's enough. The younger members in the audience have a gleeful time and the show is usually accompanied by loads of cheering from the audience. The only moment of silence in the show is when Kukulachev's sleight of hand replaced a live cat with a stuffed toy cat which he threw into the audience. At one instance, an audience member threw the toy back onto the stage. That led Kukulachev to look sadly down at the toy and back at the individual meaning to say, what a way to treat a cat!

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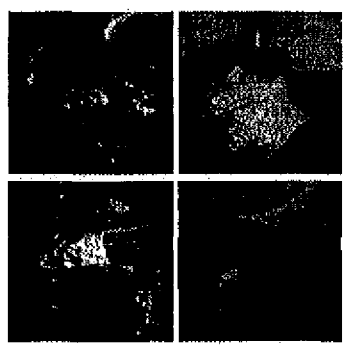
KUKULACHEV

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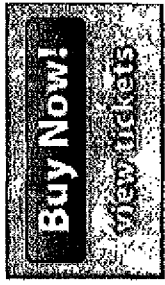
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There is also a lone dog in the show named Scottie. The dog smartly maintains a low profile. His time comes when he pushes a cat bearing baby carriage all across the stage. The Moscow Cats Theater was founded when Kulachev found an abandoned kitten in a park. Then it became his goal to prove to the world that cats can be trained to walk on tightropes, jump on cue and also perform death defying balancing acts. The show is enormous fun and a must watch for all those who love felines.



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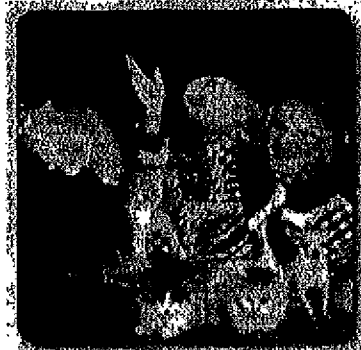
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**Moscow Cats**



Moscow Cats Theater was created by Russian circus performer Yuri Kuklachev thirty years ago. An abandoned kitten in a park was all the inspiration he needed. His goal to prove that cats can do the common walk tightropes or jump on cue as well as perform death defying balancing acts. The show is a silent clown act, having Kuklachev on center stage. He performs acts like continually stepping on a broom that always comes from behind hitting him in the back, miming to be a great artist and painting portraits of volunteers from audience or miming

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**MOSCOW CATS THEATRE**

**YURI KUKLACHEV**

**Top THEATER**  
TV: Family Guy Goes Trip  
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"We hope that Americ will be as eager to see audiences throughout the world have been" movie classic-turned-t  
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umbrella mishaps on a very windy day.

### Show Biography - Moscow Cats

In the first half of the show the cats and a few dogs appear in costumes and also pushing carts all the while walking on their hind legs or being rolled on and off stage with bicycles and hobby horses. The show is nice enough. Some cats run across the stage, climbing up a pole or making leaps at master Kuklachev's command. The three more clowns eventually join in with more of non-cat acts involving hula hoops, balloons and beach balls all the while being tossed into the audience. The show is enormous fun and the tickets are hard to get.



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purchase, they can be purchased online via our encrypted safe and secure server. Or if you prefer, you may order by phone for faster service, please order online. your Moscow Cats order will be fulfilled within 6-24 hours. All tickets will be sent via federal express. The shipping address must be the same as your billing address at which you receive your credit card statement. If this is not the case, we will need to obtain a fax written authorization from you. If you would like to do this, you should contact one of our ticket representatives.

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dry Books

MAY 12, 2 PM

Moscow Cats  
Theatre

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FRIDAY, MAY 18, 7:30 PM

SATURDAY, MAY 19, NOON

3 PM, & 7:30 PM

Pocket Opera In

*The Queen  
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(*Pique Dame*)

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In the Matter of Application of Serial No. 77075635: MOSCOW CATS THEATRE.

Published in the Official Gazette of August 7, 2007

Dmitri Kuklachev (Opposer) v. Mark Gelfman (Applicant).

# **Exhibit J**

"Roll over, 'Cats'. The  
real thing is here!"  
- New York Times

Due to overwhelming popular demand the producers of Moscow Cats Theatre  
announced that the international sensation from Russia will extend its sold-out  
National Tour.

"Spec-cat-ular"  
- NEW YORK POST

"This show is the cat's  
meow"  
- NEWSDAY

"Cats Incredible!"  
- People Magazine

"Fantastic!"  
- Time Out New York

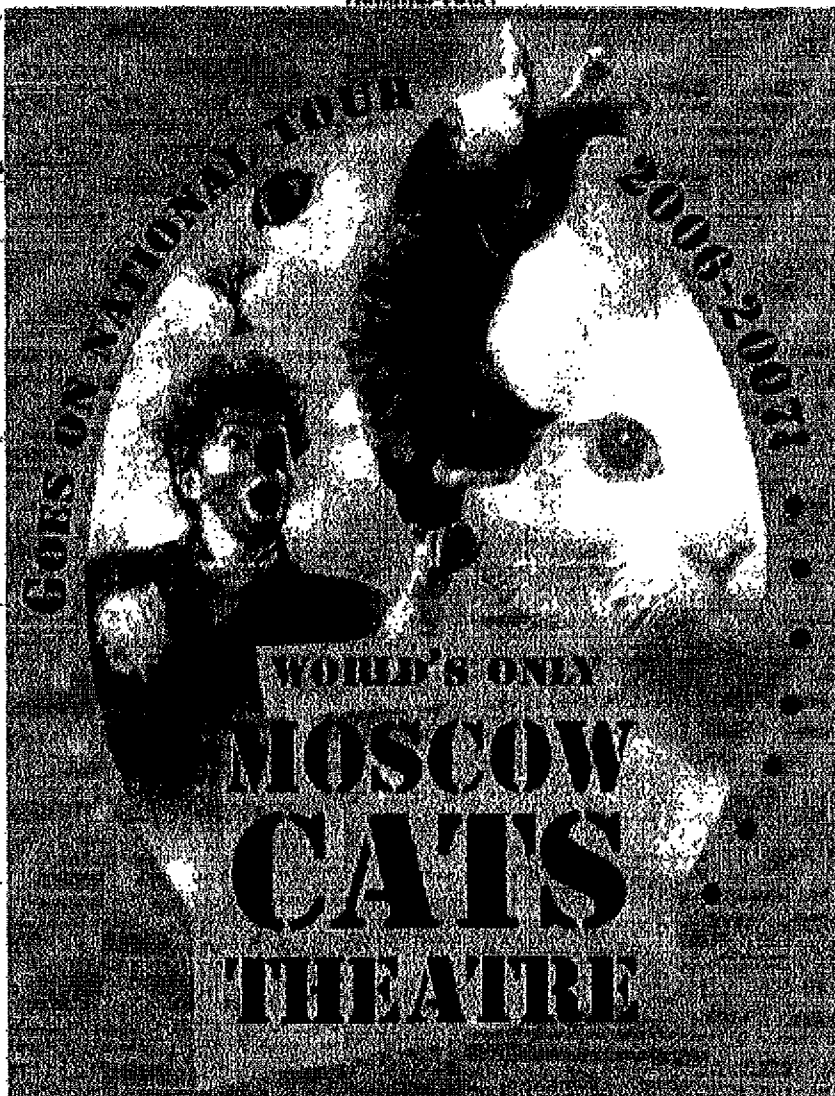
"Genial  
entertainment... just  
the ticket!"  
- The News Times

"Hilarious"  
- CBS News

"Don't miss!"  
- Village Voice

"Purrrr-fect Family  
Fun"  
- FAMILY MAGAZINE

"The Russian cats  
have pawed to the  
top... These turry  
divas can act!"  
- Bloomberg News



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Chicago - December 10; December 26-30.  
Tickets for Chicago - [www.northshorecenter.org](http://www.northshorecenter.org)

Los Angeles - April 14-15; May 5-6.  
San Francisco - April 7-8; April 28-29.

In the Matter of Application of Serial No. 77075635: MOSCOW CATS THEATRE.

Published in the Official Gazette of August 7, 2007

Dmitri Kuklachev (Opposer) v. Mark Gelfman (Applicant).

# **Exhibit K**

# Yuri Kuklachev & friend

NOT YURI  
KUKLACHEV  
↓

ALL  
SIZES

Uploaded on June  
by Kevin Steele

Kevin Steele's



This photo also bel

Have a seat [st



Moscow Cats T



Part of: Cats

Other people's



Part of: Cats

Cats and Owners

My Cats Let Me T  
"WITH" Them (Pc

Somebody else's

National Trust for  
Preservation (Poc



Yuri Kuklachev, founder and artistic director of the Moscow Cats Theatre

I came across a blog where someone posted about the show and someone else commented about about how the animals must be mistreated.

That person obviously does not know cats. You don't get cats to do anything by treating them badly or by coercion.

The secret of the Moscow Cats Theater is that they learn what the cats like to do – their 'special power' – and build the skits and routines around these idiosyncracies.

"I observe what they do best and I play with them, using a lot of repetition, love, and food. It takes a lot of patience, because no one can force a cat to do anything it doesn't want to." – Yuri Kuklachev ([source](#))

"I don't train them. They train me," Kuklachev said with the help of translator Mary Mondello. "I have a theater. It's in the circus that they train. We find common language." ([source](#))

## Comments



chelseagirl pro says:

ahhh, I was wondering how he did it!  
Posted 3 months ago. ([permalink](#))





**Philosopher Queen** pro member says:

I saw this cat circus once and it was pretty amazing--so many cats, so many tricks. They indeed looked energetic and happy, not at all mistreated. I could never get my cats to do any of those things, though!  
Posted 3 months ago. ( [permalink](#) )



**lulu.photo** pro member says:

I'm so jealous! I missed them here.

—  
*Seen in my contacts' photos. (?)*  
Posted 3 months ago. ( [permalink](#) )



**Rob Cruickshank** pro member says:

The only cats that were mistreated were the ones in our house, who were traumatized after we came home from the show and tried to train them. That wore off pretty quickly. I did have a trained cat once (Kevin will remember Bellatrix) that could jump through your arms if you made a hoop. I grew up thinking that all cats could do stuff like that, we had the Russian cat-training thing going. My mom claims that my uncle Peter trained a cat to crank a wringer washer. I believe her. Next cat I get, I'm starting from a kitten, and it's going to have a special power.  
Posted 3 months ago. ( [permalink](#) )



**kat cruickshank** pro member says:

Maybe it's a Russian thing. We're part Russian... =)

I like how he calls it a "special power". The best cat training advice ever: Find something the cat likes to do, and tell it to do it...  
Posted 3 months ago. ( [permalink](#) )



**Kevin Steele** pro member says:

That's me calling it a 'special power.' ; )

I think this is more than just good advice for working with cats...  
Posted 3 months ago. ( [permalink](#) )



**apricotX** pro member says:

Hi, I'm an admin for a group called [National Trust for Hysteric Preservation](#), and we'd love to have your photo added to the group.  
Posted 2 months ago. ( [permalink](#) )



**Kevin Steele** pro member says:

Thanks for the kind invitation.  
Posted 2 months ago. ( [permalink](#) )



**Enchanter of Camelot** says:

Hi, please add your photo to [Cats and Their Humans](#), and feel free to join us unless you've already done so...  
Posted 3 weeks ago. ( [permalink](#) )

**The Fifth Element** pro member says:



Cats and Their Hi

## Tags

- Yuri Kuklachev
- Moscow Cats The
- cat
- kitty
- clown
- circus
- russian
- notmycat

## Additional Information

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- ☐ Taken on June 16, 2
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- ☐ 4 people call this ph
- ☐ Viewed 192 times

This photo is public



My brother saw this show a while back, he said it was awesome.

Hi, I'm an admin for a group called My Cats Let Me Take Pictures \*WITH\* Them, and we'd love to have your photo added to the group.

Feel free to join and add any others you may have as well.  
Posted 3 weeks ago. ( [permalink](#) )



**Kevin Steele** pro says:

Oh my goodness! Through the wonders of Flickr I tripped over pictures of another cat circus ringmaster! Dominique Le Fort has been doing an act with cats in Florida for over 25 years.

He is known as Catman. His shows are performed against the Key West sunset as part of a nightly arts festival on the pier.



Photo: [key lime pie \(Anna W\(z\) - \(?\)](#)

I never before had a reason to visit Florida, but this act seems pretty ace and photogenic:



Photo: from [Catman website](#)  
Posted 3 weeks ago. ( [permalink](#) )

**nalaska** pro says:



He's absolutely right, you can't force a cat to do anything. You can however train it with a clicker. Do a google on clicker training to check it out. My cat high fives for treats now. And we are working on a few others.  
Posted 3 weeks ago. ( [permalink](#) )

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD

Yuri Kuklachev,	)	Opposition No.: 91179281
Opposer,	)	
	)	Serial No.: 77075635
v.	)	
	)	Mark: Moscow Cats Theatre
Mark Gelfman,	)	
Applicant.	)	

**ANSWER TO NOTICE OF OPPOSITION**

Mark Gelfman (hereinafter "Applicant") alleges, solely for the purpose of this proceeding, as an answer to the Opposer's Notice of Opposition, the following:

1. In connection with the allegations contained in paragraph 1 of the Notice of Opposition, the Applicant does not have sufficient information at this time to admit or deny said allegations.
2. The Applicant does not have sufficient information to admit or deny the allegations in paragraph 2 of the Notice of Opposition.
3. The Applicant denies each and every allegation contained in paragraph 3 of the Notice of Opposition; except that the media coverage on the CBS News, New York Times, New York Post, Newsday, Timeout New York, and People Magazine, occurred under the Applicant's use of the opposed mark and as a result of Applicant's promotion thereof.
4. The Applicant denies each and every allegation contained in paragraph 4 of the Notice of Opposition.
5. The Applicant denies each and ever allegation in paragraph 5 of the Notice of Opposition.

6. The Applicant denies each and every allegation contained in paragraph 6 of the Notice of Opposition.

7. The Applicant denies each and every allegation contained in paragraph 7 of the Notice of Opposition.

8. The Applicant denies each and every allegation contained in paragraph 8 of the Notice of Opposition; except that the Applicant admits that the Opposer entered a contract wherein the Opposer agreed to perform work for hire for the Applicant and Gelfman International.

9. The Applicant admits filing for the mark of Moscow Cats Theatre as contained in paragraph 9.

10. The Applicant denies each and every allegation contained in paragraph 10 of the Notice of Opposition.

11. The Applicant's denies each and every allegation contained in paragraph 11 of the Notice of Opposition; except that Applicant's first use of the mark in commence was on or about February 13, 2005.

12. The Applicant denies each and every allegation contained in paragraph 12 of the Notice of Opposition.

13. The Applicant denies each allegation contained in paragraph 13 of the Notice of Opposition.

14. The Applicant denies each and every allegation contained in paragraph 14 of the Notice of Opposition.

15. The Applicant denies each allegation contained in paragraph 15 of the Notice of Opposition.

16. The Applicant denies each and every allegation contained in paragraph 16 of the Notice of Opposition.

17. The Applicant denies each and every allegation contained in paragraph 17 of the Notice of Opposition.

18. The Applicant denies each and every allegation contained in paragraph 18 of the Notice of Opposition.

19. The Applicant denies each and every allegation contained in paragraph 19 of the Notice of Opposition.

20. The Applicant denies each and every allegation contained in paragraph 20 of the Notice of Opposition.

21. The Applicant denies each and every allegation contained in paragraph 21 of the Notice of Opposition.

22. The Applicant denies each and every allegation contained in paragraph 22 of the Notice of Opposition.

23. The Applicant denies each and every allegation contained in paragraph 23 of the Notice of Opposition.

24. The Applicant denies each and every allegation contained in paragraph 24 of the Notice of Opposition.

## **AFFIRMATIVE DEFENSES**

### **AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

25. Opposer has not shown a single use of the Applicant's mark that antedates the use of the mark by Applicant. Opposer's only used the name/mark "Kuklachev's Cat Theater" prior to the applicant's use of the mark at issue herein, as evidenced from newspaper articles provided by Opposer which show such use as late as 2001.

### **AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

26. Opposer was a work for hire for the Applicant in connection with the Applicant's use of the mark at issue and is not entitled to registration of the mark, which belongs to the Applicant.

### **AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

27. Even if Opposer had used the mark at issue herein, which Applicant strongly asserts is not the case, the use was in intrastate commerce and isolated, rather than the prerequisite use in interstate commerce necessary to obtain a Federal Trademark.

### **AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

28. The Applicant asserts the affirmative defenses of Laches and Estoppel.

### **AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

29. The Applicant asserts the affirmative defense of abandonment. Even if Opposer had used the mark at issue herein in interstate commerce prior to the usage by the Applicant, which Applicant strongly asserts is not the case, the mark was not subsequently used for at least two years and the Opposer did not intend to resume usage thereof and it was thus abandoned.

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE**

30. The Applicant asserts the affirmative defense of Prior Registration.

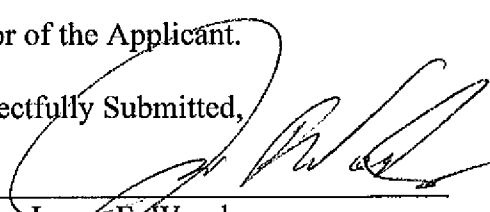
**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE**

31. The Applicant has used the mark with the Knowledge of the Opposer and in fact, has financially benefited from the use of the mark by the Applicant in interstate commerce.

**WHEREFORE**, the Applicant prays that the Opposer's notice of opposition in connection with the Application Serial No. 77075635 be denied and dismissed with prejudice; and that the registration of Applicant's mark shown and specified therein be accepted and that the Opposition be denied in favor of the Applicant.

Date: October 9, 2007

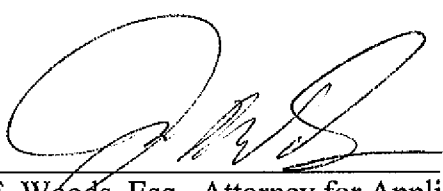
Respectfully Submitted,

  
By: James F. Woods  
Woods Verzani LLP  
292 Madison Avenue, 22<sup>nd</sup> Floor  
New York, New York 10017  
Tel.: 212-684-2500  
Fax: 212-684-2512

Attorneys for Applicant

I hereby certify that a true and complete copy of the foregoing **ANSWER TO NOTICE OF OPPOSITION** has been served on Baker & McKenzie, LLP, by mailing said copy on October 9, 2007, via Federal Express, overnight carrier, postage prepaid to:

Baker & McKenzie LLP  
1114 Avenue of the Americas  
New York, New York 10036  
Attn: Pamela T. Church, Esq.

  
James F. Woods, Esq., Attorney for Applicant



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD

Dmitri Kuklachev,	)	Opposition No.: 91179373
Opposer,	)	
	)	Serial No.: 77075635
v.	)	
	)	Mark: Moscow Cats Theatre
Mark Gelfman,	)	
Applicant.	)	

**ANSWER TO NOTICE OF OPPOSITION**

Mark Gelfman (hereinafter “Applicant”) alleges, solely for the purpose of this proceeding, as an answer to the Opposer’s Notice of Opposition, the following:

1. In connection with the allegations contained in paragraph 1 of the Notice of Opposition, the Applicant does not have sufficient information at this time to admit or deny said allegations.
2. The Applicant does not have sufficient information to admit or deny the allegations in paragraph 2 of the Notice of Opposition.
3. The Applicant denies each and every allegation contained in paragraph 3 of the Notice of Opposition; except that the media coverage on the CBS News, New York Times, New York Post, Newsday, Timeout New York, and People Magazine, occurred under the Applicant’s use of the opposed mark and as a result of Applicant’s promotion thereof.
4. The Applicant denies each and every allegation contained in paragraph 4 of the Notice of Opposition.
5. The Applicant denies each and ever allegation in paragraph 5 of the Notice of Opposition.

7. The Applicant does not have sufficient information at this time to admit or deny said allegations contained in paragraph 7.

8. The Applicant denies each and every allegation contained in paragraph 8 of the Notice of Opposition.

9. The Applicant denies each and every allegation contained in paragraph 9 of the Notice of Opposition.

10. The Applicant does not have sufficient information at this time to admit or deny said allegations contained in paragraph 10.

11. The Applicant denies each and every allegation contained in paragraph 11 of the Notice of Opposition.

12. The Applicant denies each and every allegation contained in paragraph 12 of the Notice of Opposition.

13. The Applicant denies each and every allegation contained in paragraph 13 of the Notice of Opposition.

14. The Applicant denies each and every allegation contained in paragraph 14 of the Notice of Opposition.

15. The Applicant denies each and every allegation contained in paragraph 15 of the Notice of Opposition.

16. The Applicant denies each and every allegation contained in paragraph 16 of the Notice of Opposition.

17. The Applicant denies each and every allegation contained in paragraph 17 of the Notice of Opposition.

18. The Applicant denies each and every allegation contained in paragraph 18 of the Notice of Opposition.

19. The Applicant denies each and every allegation contained in paragraph 19 of the Notice of Opposition.

20. The Applicant denies each and every allegation contained in paragraph 20 of the Notice of Opposition.

21. The Applicant denies each and every allegation contained in paragraph 21 of the Notice of Opposition.

22. The Applicant denies each and every allegation contained in paragraph 22 of the Notice of Opposition.

23. The Applicant denies each and every allegation contained in paragraph 23 of the Notice of Opposition.

24. The Applicant denies each and every allegation contained in paragraph 24 of the Notice of Opposition.

25. The Applicant denies each and every allegation contained in paragraph 25 of the Notice of Opposition.

26. The Applicant denies each and every allegation contained in paragraph 26 of the Notice of Opposition.

27. The Applicant denies each and every allegation contained in paragraph 27 of the Notice of Opposition.

28. The Applicant denies each and every allegation contained in paragraph 28 of the Notice of Opposition.

29. The Applicant denies each and every allegation contained in paragraph 29 of the Notice of Opposition.

30. The Applicant denies each and every allegation contained in paragraph 30 of the Notice of Opposition.

31. The Applicant denies each and every allegation contained in paragraph 31 of the Notice of Opposition.

32. The Applicant denies each and every allegation contained in paragraph 32 of the Notice of Opposition.

33. The Applicant denies each and every allegation contained in paragraph 33 of the Notice of Opposition.

34. The Applicant denies each and every allegation contained in paragraph 34 of the Notice of Opposition.

35. The Applicant denies each and every allegation contained in paragraph 35 of the Notice of Opposition.

36. The Applicant denies each and every allegation contained in paragraph 36 of the Notice of Opposition.

37. The Applicant denies each and every allegation contained in paragraph 37 of the Notice of Opposition.

38. The Applicant denies each and every allegation contained in paragraph 38 of the Notice of Opposition.

## **AFFIRMATIVE DEFENSES**

### **AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

39. Opposer has not shown a single use of the Applicant's mark that antedates the use of the mark by Applicant. Opposer's only used the name/mark "Kuklachev's Cat Theater" prior to the applicant's use of the mark at issue herein, as evidenced from newspaper articles provided by Opposer which show such use as late as 2001.

### **AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

40. Opposer was a work for hire for the Applicant in connection with the Applicant's use of the mark at issue and is not entitled to registration of the mark, which belongs to the Applicant.

### **AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

41. Even if Opposer had used the mark at issue herein, which Applicant strongly asserts is not the case, the use was in intrastate commerce and isolated, rather than the prerequisite use in interstate commerce necessary to obtain a Federal Trademark.

### **AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

42. The Applicant asserts the affirmative defenses of Laches and Estoppel.

### **AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

43. The Applicant asserts the affirmative defense of abandonment. Even if Opposer had used the mark at issue herein in interstate commerce prior to the usage by the Applicant, which Applicant strongly asserts is not the case, the mark was not subsequently used for at least two years and the Opposer did not intend to resume usage thereof and it was thus abandoned.

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE**

44. The Applicant asserts the affirmative defense of Prior Registration.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE**

45. The Applicant has used the mark with the Knowledge of the Opposer and in fact, has financially benefited from the use of the mark by the Applicant in interstate commerce.

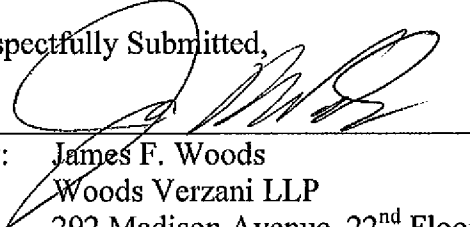
**AS AND FOR A EIGHTH AFFIRMATIVE DEFENSE**

46. The Opposer's Notice of Opposition and the claims stated therein, are based upon the claims of a third party, Yuri Kuklachev, previously filed under Opposition No. 91179281 and are therefore duplicative and should be dismissed.

**WHEREFORE**, the Applicant prays that the Opposer's Notice of Opposition in connection with the Application Serial No. 77075635 be denied and dismissed with prejudice; and that the registration of Applicant's mark shown and specified therein be accepted and that the Opposition be denied in favor of the Applicant.

Date: December 7, 2007

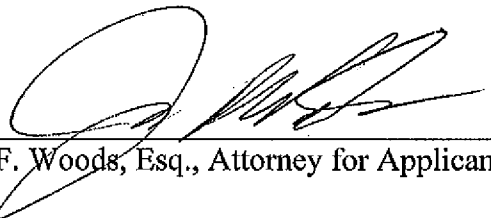
Respectfully Submitted,

  
By: James F. Woods  
Woods Verzani LLP  
292 Madison Avenue, 22<sup>nd</sup> Floor  
New York, New York 10017  
Tel.: 212-684-2500  
Fax: 212-684-2512

Attorneys for Applicant

I hereby certify that a true and complete copy of the foregoing **ANSWER TO NOTICE OF OPPOSITION** has been served on the Law Offices of Alexey Bakman, Esq., by mailing said copy on December 10, 2007, via Federal Express, overnight carrier, postage prepaid to:

Law Offices of Alexey Bakman, Esq.,  
35 Seacoast Terrace #3J  
Brooklyn, New York 11235  
Attn: Alexey Bakman, Esq.



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James F. Woods, Esq., Attorney for Applicant